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**OCTOBER 8, 2003**

**MASSACHUSETTS MARINE FISHERIES COMMISSION  
PASSES NEW REGULATIONS FOR  
HADDOCK, LIMITED ENTRY PERMITS, LOBSTER, SCUP, RIGHT WHALE  
CONSERVATION, WHITING & STRIPED BASS.**

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Following public hearings held in September of 2003, *Marine Fisheries* provided recommendations to the Marine Fisheries Commission for regulatory action on haddock, limited entry permits, lobster, scup, right whale conservation, whiting and striped bass. The following were approved by the Commission on October 2, 2003 and will be in effect on October 24, 2003:

**1) Lobster rule changes:**

**A) V-notched lobster rule was amended by enacting regional definitions. Statewide fishermen are prohibited from possessing v-notched female lobsters. The former v-notched female lobster definition was replaced with a more restrictive one for Area 1 Commercial lobstermen and a less restrictive one was enacted for all other areas and users (322 CMR 6.02). Enactment of these rules is a compliance criteria of the interstate plan for American Lobster.**

**Area 1:** Commercial lobstermen fishing in or authorized to fish in Area 1 (Cape Cod to NH border), must not possess a female lobster bearing a *v-shaped notch of any size* in the flipper next to and to the right of the center flipper as viewed from the rear of the female lobster. This complies with the so-called "zero-tolerance" definition required under the conservation plan crafted by Area 1 commercial lobstermen.

**Areas 2, 3, Outer Cape Cod, dealers, consumers and non-commercial lobstermen:** For commercial fishermen fishing in all other areas, as well as dealers, consumers and non-commercial fishermen, the traditional wording has been re-established, and is less restrictive. For the above mentioned persons, it shall be unlawful to possess a v-notched lobster with the following features: *a straight-sided triangular cut, without setal hairs, at least 1/4-inch in depth and tapering to a point.*

**B) SCUBA divers harvesting lobster must measure all lobsters before surfacing (322 CMR 6.01).** For enforcement purposes the statutory requirement to "immediately" measure lobster caught while diving was clarified to require measurement "prior to surfacing." This change is intended to increase enforceability, and enhance survivability of lobsters that are released while underwater. Lobsters brought to the surface or ashore in catch bags may be crushed by bigger or firmer lobsters while in the bag, and this would be prevented by returning the lobsters to the sea floor immediately.

**C) Lobster trap tag and trap marking rules were amended to allow commercial fishermen fishing wire traps to use solely the trap tag (single-use “seal” type) to meet the trap ID tag requirements of 322 CMR 3.07.** Formerly fishermen were required to affix a trap ID tag as well as a valid trap tag bearing the fishing year and permit number. This change will eliminate redundant regulations based on the historic use of wooden traps in the commercial lobster fishery. This rule will not prevent fishermen from placing additional (traditional) labels, ID tags, or brands on their traps to protect against theft.

**D) Deadline to install trap tags in lobster traps has been extended from May 1 to June 1 (322 CMR 6.31).** This measure complements deadlines mandated by the ASMFC plan and implemented by NOAA Fisheries.

**E) Lobster gear restrictions designed to minimize harm to endangered whales were amended (322 CMR 12.00):**

- **Replace references to “neutrally buoyant” and “sinking” line with a quantifiable definition of “negatively buoyant” line.** Lobstermen fishing traps in Cape Cod Bay Critical Habitat are already prohibited from fishing floating line between traps. *Marine Fisheries’* gear research has shown that all “neutrally buoyant” line available to the industry actually sinks to the ocean floor. So this rule change enhances enforceability and will improve compliance without changing the content of the regulation.
- **Eliminate 7/16” line from the Gear Technology List. The List is a federally approved list of gear modifications that were adopted in state regulations to support the federal large whale take reduction plan.** The new list contains just three features that lobstermen must choose from. Effective January 1, 2004 Cape Cod Bay fishermen must deploy gear rigged with two features from the list while all other lobstermen must deploy gear with one feature. The features are:
  - 1) buoy lines attached with a 600 lb. breakaway link;
  - 2) buoy line comprised of all sinking or negatively buoyant line;
  - 3) groundlines comprised of all sinking or negatively buoyant line.

For more information on rigging gear to conform with the plan, visit the NOAA Fisheries website at: [www.nero.noaa.gov/whaletrp](http://www.nero.noaa.gov/whaletrp).

**2) Limited entry permit rules were amended to authorize persons other than the permit holder to fish the permit holder’s permit, vessel, and gear (322 CMR 7.03 & 7.06).** Criteria were established to ensure that the temporary user of a permit allowed through a letter of authorization must use the gear and vessel reported (and owned) by the permit holder that was actively fished prior to the request. This rule discourages permit holders from leasing their permit to another fisherman.

**3) Limited entry permit renewal deadline extended from June 30<sup>th</sup> to December 31<sup>st</sup> (322 CMR 7.06).** Any permits not renewed by December 31<sup>st</sup> become invalid on January 1<sup>st</sup> and are deleted from the licensing database; no appeals will be accepted after December 31<sup>st</sup>.

**4) Upper Cape Cod Bay Whiting Area for small-mesh trawling was extended south from the LORAN 44100line to the 42°00.000’ latitude line (322 CMR 8.14).** This change complements similar federal action.

**5) Striped bass dealer measures amended to prohibit any person from receiving during a first sale any striped bass unless permitted as a wholesale or retail dealer pursuant to 322**

**CMR 7.01.** All persons involved beyond the first sale of striped bass shall furnish upon request of the Director or the Environmental Police purchase receipts documenting the sale of the fish. (322 CMR 6.07).

**6) Scup bycatch limit of 400 lbs. enacted for fluke trawlers, during the open fluke season (June 9 through season closure) and on open fishing days Sunday – Thursday (322 CMR 6.28).** This bycatch limit provides fluke trawlers with the opportunity to retain a nominal amount of large scup caught in large-mesh trawls. This measure eliminated the problem of regulatory discards caused by the prohibition on commercial scup landings during June and July prior to the opening of the directed scup season in August.

**7) Final action was taken on the decrease in the recreational haddock minimum size from 23” to 21”.** (322 CMR 6.03) This rule complements recent federal changes.

**The Commission postponed action on the following items recently aired at public hearings:**

- Effort control measures in Outer Cape Cod and lobster permit issues (coastal and offshore) were postponed until the November MFC meeting;
- Requirement that offshore and coastal lobster permit holders be restricted in the choice of Lobster Management Areas (LMA's);
- Lobster escape vent placement proposals were postponed pending further study;
- Gear-free zone change in a portion of the newly enlarged Upper Cape Cod Bay Whiting Area was postponed pending discussions between fixed gear and mobile gear fishermen who use the area;
- Lifting of the coastal lobster transfer moratorium;
- Lifting of the moratorium on issuance offshore lobster licenses; and
- Elimination of the offshore fishery control date as a permanent regulation until lobster-licensing issues are fully resolved at the state, interstate and federal levels.

For more information please contact *Marine Fisheries* at 617.626.1520  
or visit our website at [www.mass.gov/marinefisheries](http://www.mass.gov/marinefisheries).